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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MINH HUE KHUU,

9
10 Plaintiff,

11 v.

12 ALEX NGUYEN, *et al.*,

13 Defendants.
14

No. C08-0312RSL

DEFAULT JUDGMENT

15 This matter comes before the Court on plaintiff's "Memorandum in Support of
16 Plaintiff's Application for Entry of Default Judgment Against Alex Nguyen." Dkt. #15.
17 Plaintiff alleges that defendant Nguyen fraudulently and without authorization obtained lines of
18 credit in plaintiff's name. In the complaint, plaintiff requested an award of actual damages,
19 statutory damages, punitive damages, attorney's fees, and costs. Complaint at 7. Although
20 defendant Nguyen was served with the summons and complaint on April 3, 2008 (Dkt. # 8), he
21 has not responded. Default was entered against him on May 14, 2008. Dkt. # 10.

22 Upon entry of default, the well-pleaded allegations of the complaint relating to
23 defendant's liability are taken as true, and the defaulting party is deemed to have admitted all
24 allegations in the complaint pertaining to liability. See TeleVideo System, Inc. v. Heidenthal,
25 826 F.2d 915, 917-18 (9th Cir. 1987); Danning v. Lavine, 572 F.2d 1386, 1389 (9th Cir. 1978);
26 Dundee Cement Co. v. Howard Pipe & Concrete Prods., Inc., 722 F.2d 1319, 1323 (7th Cir.

DEFAULT JUDGMENT

1 1983). The court need not make detailed findings of fact as long as the allegations contained in
2 the pleadings are sufficient to establish liability. Fair Housing of Marin v. Combs, 285 F.3d 899,
3 906 (9th Cir. 2002). Because plaintiff's claim of damages is unliquidated, she must provide
4 competent evidence from which the Court can ascertain the judgment amount. See Microsoft
5 Corp. v. Nop, 549 F. Supp.2d 1233, 1236 (E.D. Cal. 2008).

6 Having reviewed the allegations of the complaint and the memorandum and
7 declaration submitted by plaintiff, the Court finds as follows:

8 A. Emotional Distress Damages

9 Plaintiff seeks emotional distress damages in the amount of \$130,000. In support
10 of this amount, plaintiff states that she has "expended countless hours crying, worrying about the
11 disruption Alex Nguyen brought to [her] life," that she felt betrayed and cheated, and that
12 defendant's abuse of her trust had left her deeply depressed and very embarrassed. Defendant's
13 conduct also left her and her credit history at the mercy of third parties, some of which proved
14 particularly unhelpful when she attempted to rehabilitate her credit. Finally, plaintiff states that
15 she was so upset by the worry and concern caused by Nguyen's activities that she lost dozens of
16 nights of sleep, had disturbed sleep for six months, and has been subject to headaches. While the
17 Court has no doubt that defendant's conduct caused plaintiff stress and embarrassment, there is
18 no indication that she suffered economic hardship (in the form of lost or avoided credit),
19 required medical treatment, or was subjected to aggressive collection efforts. See Myers v.
20 LHR, Inc., 543 F. Supp.2d 1215, 1218 (S.D. Cal. 2008). The Court concludes that \$100,000 is a
21 more reasonable amount under the circumstances to compensate plaintiff for the emotional
22 distress she suffered.

23 B. Lost Incidental Time

24 Plaintiff seeks \$2,500 for time spent attempting to correct her credit history,
25 contact the police, and hire an attorney to pursue her claims against defendant Nguyen. Given
26 that plaintiff has been dealing with the repercussions of Nguyen's actions since July 2007, this

1 amount is reasonable.

2 C. Attorney's Fees and Costs

3 Plaintiff requests an award of \$2,400 in attorney's fees, or the equivalent of 8
4 hours at \$300/hour, and \$200 in filing and service fees. Although counsel has not provided an
5 affidavit regarding the fees and costs incurred, the activities reflected in the docket justify such
6 an award.

7 D. Punitive Damages

8 Finally, plaintiff seeks an award of \$30,000 in punitive damages. No argument or
9 evidence is presented in support of this claim.

10
11 There is an adequate basis to enter default judgment in favor of plaintiff and
12 against defendant Alex Nguyen in the amounts of:

13 Emotional Distress	\$100,000
14 Lost Incidental Time	\$2,500
15 Attorney's Fees	\$2,400
16 Costs	\$200

17 for a total of \$105,100.

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19 Dated this 1st day of June, 2009.

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21 Robert S. Lasnik
22 United States District Judge
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